

Ex. #551

BANKS ISLAND PETROLEUM EXPLORATION

PETER J. USHER

EVIDENCE PRESENTED
ON BEHALF OF
COPE

BERGER INQUIRY - DELTA PHASE
Inuvik, February 1976

MADE IN CANADA BY THE INQUIRY

EXHIBIT NO. 551 A E April 8/76
Yellowknife note.
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CANADIAN ARCTIC
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and trapping) to the same territory was quite distinct. Yet the potential for conflict should not have been altogether unforeseen. Either no responsible official of the Department of Indian Affairs and Northern Development had considered this possibility or it had not been communicated to the Oil and Mineral Division. Certainly it was not communicated to the oil companies when they applied for their permits.

On the other hand, neither were the Bankslanders informed that exploration rights were being granted to oil companies, let alone what the future consequences of this might be. The Bankslanders, like other inhabitants of the Western Arctic, had been vaguely aware since the early 1960s that "people were looking for oil" in the region. Who these people were, what plans they had, what the manner of their exploration techniques would actually be, what rights they had, and what the implications of their activities would be were essentially matters of speculation and rumour.

Aerial geophysical work was first conducted on Banks Island in the summer of 1966, using Sachs Harbour as a base. Small crews conducting brief aerial surveys were nothing new to the Bankslanders, and thus no special significance was attached to this event. To the extent that the people thought about petroleum development on the island at all, it was conceived in extremely vague terms as somehow being a potential source of money to them.

The petroleum companies and the Bankslanders were ignorant of each other's interests and objectives in the first instance. Yet both were under the jurisdiction of the same department of the federal



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government, a department ultimately responsible for granting both exploration and trapping rights as part of its broader responsibilities for both northern economic development and the welfare of the indigenous people. Only the Department of Indian Affairs could have been expected to provide the necessary links of communication.

The conflict

So long as the granting of permits remained merely a paper transaction, mutual ignorance was of no consequence. But exploration permits carry work requirements, and in 1970, several of the permit holders sought to fulfill them. Elf and Deminex (the latter chiefly on the behalf of Amoco) made their intentions known to the department early in the year. When petroleum exploration is to be conducted within migratory bird sanctuaries, as was the case on Banks Island, permits must also be obtained from the Canadian Wildlife Service, which was then also an agency of the Department of Indian Affairs. These permits were issued as early as 14 April 1970. Work plans were filed with the Oil and Mineral Division shortly thereafter.

For the petroleum companies, these were the final stages in the preparation of an exploration programme costing over \$5 million. Funds and manpower for these projects had already been allocated and indeed equipment was by then in transit. Other subcontracting firms were also involved which had even less reason to be aware of the Bankslanders' interests than the permit holders themselves. Petroleum company officials visited Sachs Harbour on 25 June merely to inform the Bankslanders of a programme already under

way, and to enlist local co-operation and possibly labour.

The petroleum company representatives arrived at Sachs Harbour almost totally ignorant of the nature of the community and of the interests and concerns of the trappers. This was in spite of the fact that they were accompanied by a federal government representative from Inuvik. The "oil men" were apparently unaware that the community held trapping rights to the entire island. They did not know that for both economic and social reasons, casual labour offered at \$1.67 per hour would be more of an insult than an enticement. They did not know that the distribution of free cigarettes might be interpreted as a cheap bribe. When the Bankslanders expressed fears about the effect of seismic work on trapping and hunting, the oil men tried to reassure them and said they would co-operate with the trappers. Such offers, though well meant, underestimated the nature of the problem. The oil men left this initial meeting apparently satisfied, thinking that since only doubts and fears were expressed rather than firm opposition, the villagers would ultimately be won over.

It is not the Bankslanders' way to react quickly and firmly to proposals presented for the first time at a public meeting; rather, such proposals are discussed informally among groups of two or three people during the following days, while visiting, while hunting, or perhaps during a chance meeting while walking about the village. New arguments are presented and considered, then communicated to others. Slowly each person's

appreciation of the problem grows, and a consensus begins to emerge. Hence opposition to the exploration programme was found to be firmer and more united at subsequent meetings. This has been interpreted by some as a result of outside influence. Although native rights activists from the mainland did indeed offer assistance to the Bankslanders in my view this interpretation misunderstands the process of opinion formation in the community.

The Bankslanders' opposition to petroleum exploration focussed on three issues. The first was the concern for the effects on the island's ecology and hence their own economic well-being. The second was a less precise but nonetheless pervasive anxiety about the implications of petroleum development for the future of their community and way of life. The third was a sense of outrage over the lack of prior consultation and what they took to be an abrogation of their traditional rights. Questions of aboriginal land rights and related considerations were aspects of the third concern, but were probably not uppermost in the minds of the majority of trappers at that time.

By chance, the visit of the oil men preceded the planned Conference of Arctic Native People to be held at Coppermine, N.W.T., by a mere three weeks. The Bankslanders had already selected two delegates to this conference, which was to discuss mutual concerns, including aboriginal land rights, on an Arctic-wide basis for the first time.

Political awareness had grown rapidly in many parts of the Arctic during the previous few years, and a number of native rights organizations had been

established. Within the Western Arctic, the Committee for Original Peoples Entitlement (COPE) had been formed earlier in 1970, and many Bankslanders had already joined this organization. Like many northerners, they were aware of developments in neighbouring Alaska regarding native land rights and petroleum exploration.

Within a week or so of the first visit, a strong consensus of opposition to petroleum exploration had developed within the community. The Bankslanders enlisted the aid of COPE, and at the latter's suggestion one of the trappers went to Yellowknife on behalf of the Community Association to seek legal advice.

The delegates from Sachs Harbour attended the Coppermine Conference from 14 to 18 July. The session on the second morning was given over largely to a discussion of the impending exploration programme on Banks Island. The Bankslanders explained their problem, and several other delegates commented on similar ecological disruptions which had occurred in their own areas. It was resolved to send a telegram to the Prime Minister with a copy to the Minister of Indian Affairs, calling for an immediate halt to petroleum exploration on Banks Island, for prior consultation with regard to the future activities of this nature, and for the recognition of aboriginal rights. This telegram was signed by the two Sachs Harbour delegates, and bore the supporting signatures of 26 other delegates from 21 other communities.

In the meantime, representatives of Deminex met with the trappers at Sachs Harbour on 24 July, and Elf representatives did likewise on 29 July. At both meetings, relations were strained. The trappers raised questions concerning both wildlife protection and

mineral rights. The trappers state that petroleum company officials told them not to publicize the issue through the media as "it would only cause trouble." This was interpreted by the trappers as a threat, although the companies may only have been requesting further mutual discussions unhindered by bad publicity. The result of these meetings was to deepen the Bankslanders' opposition to the exploration programme.

The Minister of Indian Affairs sent a telegram on 30 July arranging a meeting at Sachs Harbour between departmental officials and the community. This was followed by a specific response to the points raised in the Coppermine telegram, expressing surprise at the Bankslanders' concern over the planned seismic work, and giving assurances that the forthcoming land use regulations and scientific studies would be quite adequate to prevent any harmful consequences. This second communication was delivered at the meeting on 5 August by the departmental delegates. The delegation consisted of two officials from the Northern Services Division and one from the Canadian Wildlife Service, accompanied by Pat Carney, then a journalist on contract to the Northern Economic Development Branch and Agnes Semmler, of Inuvik, representing COPE. The contract consisted of a short-term assignment to visit Sachs Harbour with the departmental delegation and prepare an independent assessment of the situation for the department. The resulting 53-page report (including appendices) entitled "The Banks Island Conflict" was not made public. Agnes Semmler was invited by Pat Carney. The Department of Indian Affairs did not, at this or any subsequent time, recognize COPE as an interested party in the dispute.

The departmental officials, some of whom were already personally known to the Bankslanders, made it clear that they had come to listen to their concern. They were well received although the Bankslanders unhesitatingly reiterated their fears for both the wildlife resources and their own community as a result of oil exploration. Thorough and sympathetic reports were submitted to the department, and in fact a moratorium on exploration was suggested pending adequate research.

The Bankslanders' response to the Minister's telegram, however, was less enthusiastic, because they remained quite unsatisfied by the assurances it contained. They requested a meeting with the Minister, which was arranged for 16 August during his already planned tour of the North. The Bankslanders, realizing the importance of this meeting, arranged to have their legal counsel present as well as a representative of COPE. The Minister was accompanied by the Chief of the Oil and Mineral Division. The meeting commenced with the legal counsel outlining the Bankslanders' demands. The lack of prior consultation and the lack of adequate regulations covering oil exploration activity were deplored. The Bankslanders would not be satisfied with compensation after the damage was done, and hence requested an immediate halt to all exploration until it could be conclusively demonstrated that such activity would not adversely affect wildlife. They further requested a definite response from the Minister on these matters during this meeting.

The Minister acknowledged that consultation should have occurred, but also stated that the people should have guessed that exploration would take place since

it was occurring elsewhere. Now the problem was to cope with the existing situation. He assured the trappers that regulations would be formulated in advance of actual exploration, and that operations would be inspected by the department. He invited the trappers to participate in this inspection programme, and noted that the Canadian Wildlife Service was preparing a report on the situation as well.

Several trappers pointed out that they were also experts on Banks Island's wildlife, and asked why the Minister was not prepared to act on their advice. The Minister stated that it was possible to have both oil exploration and trapping and he wanted to find out the facts, then make a decision, but added that there was no proof that oil exploration would harm wildlife.

Legal counsel replied that the Minister did not yet know what the effects of oil exploration would be, and hence was not in a position to formulate regulations until this was known. The Minister acknowledged that it was within his power to halt the exploration programme, but pointed out that the companies had already dispatched their equipment; however, he said he would be in a position to make a decision before the trapping season began. Experimental seismic work could be conducted with the villagers observing, and in any case the seismic lines could be adjusted to avoid the traplines.

The Minister also stated that if resources were discovered it could be of great benefit to the Bankslanders. Everyone had to cope with progress and there could be something to be gained. Discussion ensued on the nature of the exploration work and possible safeguards. Essentially, the Minister and the Chief of the Oil and Mineral Division

continued to minimize the possibility of adverse effects, while the Bankslanders continued to express doubts.

The Minister declined to make any final decision on the programme at the meeting. He reiterated the promise that further tests would be undertaken before the trapping season (although the nature of these tests was not specified), and that a continuous inspection would be maintained over the operation. He believed that the work should not start until the ground was frozen, and offered an arrangement whereby the trappers could take part in the inspection and receive reimbursement for their time during the trapping season. He stated that it was too late to stop the petroleum companies now, but that actual work would not begin without his express permission, which would be granted on the basis of pre-season tests. Further, he undertook to call a halt to the programme at any time if adverse effects on wildlife were clearly occurring. Finally, he promised that communications would be better in future, and asked the Bankslanders to let him know if they had any complaints.

The meeting thus resulted in a stalemate. The Bankslanders remained unsatisfied by the Minister's undertakings and assurances, believing these did not meet their basic reservations about the programme. The Minister remained convinced that his proposals were adequate to prevent the dangers the Bankslanders feared.

Following the meeting, the Bankslanders decided to allow three weeks for a definite statement from the Minister before taking further action. In consultation with COPE and their lawyer, it was resolved that if no satisfactory solution was achieved by then, a court injunction would be sought to halt the seismic programme until adequate

safeguards were provided. These plans were communicated to the Minister on 18 August.

By the end of August, Northern Economic Development Branch officials, with the approval of the Minister, had arrived at a "compromise" plan. In essence it merely specified in greater detail the Minister's proposals of 16 August. It called for proceeding with the exploration programme, subject to the specifications of the proposed land use regulations which were not then law, and subject to inspection by both government officers and the trappers themselves. A series of meetings was quickly arranged: government representatives would go to Calgary on 2 September and to Sachs Harbour on 3 September to seek the cooperation of all parties. Agreement in principle was reached with the exploration companies in Calgary, whose equipment had by then already been off-loaded at their base camps at Johnson Point and Fish Lake.

The Bankslanders were only advised of the meeting a few days in advance. They were not entirely aware of its purpose, especially since the government delegation did not include senior officials. Their view seems to have been that it was just another meeting at which little would be resolved.

COPE executives also learned of the meeting, but could not ascertain its exact date. The trappers wanted COPE representation at the meeting. They were worried about having to pay their air fare, however, and since they were unsure of the significance of the meeting, they did not specifically request COPE to come. Radio-telephone connections between Sachs Harbour and Inuvik were quite poor during these few days and communication was difficult. During one conversation, Nellie Cournoyea

of COPE tried to warn the trappers not to commit themselves to anything at the meeting unless they had their lawyer and a COPE representative there, but at this point voice communication completely faded out. COPE representatives tried to get to Sachs Harbour for the meeting, but they could not find out from departmental representatives in Inuvik (who were responsible for the local arrangements) when the charter would be leaving, nor even which plane would be used. In the end, the government and company party transferred directly from the scheduled flight from Edmonton to a chartered aircraft at the airport, without even going into Inuvik. Although there was room on the charter, it was by then too late for anyone from COPE to get on.

The Bankslanders' lawyer (Brian Purdy) in Yellowknife was at this time on vacation. Ottawa officials claim to have contacted his office before the meeting, but the lawyer claims that he was not notified although his secretary had instructions to relay such messages to him during his absence. In any case, as a result the Bankslanders were unrepresented at this meeting by either their lawyer or COPE.

The government delegation consisted of three officials from the Northern Economic Development Branch, headed by the Chief of the Oil and Mineral Division, as well as the Territorial Superintendent of Game. They were accompanied by two representatives each from Elf and Deminex. Virtually all of the trappers were present at the meeting. The Bankslanders later told me in effect that the meeting appeared to them a contest between two adversaries: the government and the oil companies on one side, using glib assurances and big words, and themselves on the other side, unrepresented by anyone who really understood what was going on.

To them, government department responsible for the welfare of native peoples appeared as adversaries to a group of Eskimos, and was party to an important agreement with that group without ensuring that they were properly represented by whatever legal or other local counsel they had designated to act on their behalf. The feeling was strong among both the Bankslanders and COPE officials that such representation was consciously and deliberately excluded from the meeting.

In essence the people were told only that two seismic programmes would occur that year, with the possibility of perhaps a couple more the next year, that there would be a minimum of men, equipment and traffic, and that only a tiny fraction of the landscape would be used. The considerable distance between seismic lines was emphasized, and it was further asserted by both government and industry that since only a tiny area would be used, that accordingly only a tiny area would be affected. This assertion was without scientific foundation at that time as it still is today.

At no time did either government or industry officials ever provide the information that seismic exploration might in fact continue for a decade, with lines being run increasingly close together, that hundreds of wells might be drilled if the basin were at all promising, that both exploration and development would occur offshore as well as onshore, and that the discovery of oil and gas would surely lead to the installation of gathering facilities, processing plants, pipelines, storage areas, port facilities and so on.

The Bankslanders were most unhappy about having been unrepresented by COPE and counsel at the meeting,

especially in view of the importance it turned out to have had. This was no straight-forward business deal of the type they were used to handling. The Bankslanders were being asked to agree to a programme having profound implications for their future, and involving a number of technical considerations of which they had little or no knowledge. Although they entered the meeting with the same caution they would have used in a business deal, they did not have the same kind of experience and knowledge to handle it. They were unsure of the intentions of their adversaries and unsure of the nature and significance of the programme to which they were being asked to agree. They knew only that they felt defenceless; that they had no way of arguing against what they saw as "smooth talk and big words," and that there was apparently a united front of the companies and the government, even including game officials, against them.

The Bankslanders say they were told, in effect, that there was no use fighting the exploration programme and that the government's proposals were the best that could be done about it. The Bankslanders saw no alternative but to go along with them. The following day they reported to COPE and to the media that they would not proceed with the injunction, because they felt they had neither the money nor the ability to take on both the government and the oil companies. They felt they had no alternative but to live with oil exploration, and therefore accept whatever concessions were offered and make the best of them. Their resistance was broken. A few wished to carry on the struggle but knew that unless the community was united in doing so, it could not be won.

Two weeks later, the land use inspector came to Sachs Harbour to explain the regulations under which the oil companies had agreed to operate and to outline his own duties and powers. Subsequently a trappers' meeting was held to arrange a rotating system whereby individual trappers would go out with the exploration crews on inspection.

Why had the Bankslanders fought the exploration programme, and what had they feared from it? Chiefly, they feared for their livelihood. They were concerned that the impact of the noise, smell, overland travel and human activity involved in seismic exploration would adversely affect the presence and numbers of foxes and caribou. They also feared the possibility of marine seismic work and its potential effects on seals.

Concern was also expressed about general environmental damage such as trenching and gulling of tundra areas due to the passage of heavy tractors, as well as pollution from garbage dumps, supply dumps and fuel storage facilities, especially in damage done on the Tuk Peninsula during the mid-1960s.

The Bankslanders felt not only that oil exploration could destroy the basis of their livelihood, but also that it might leave nothing in its place. They considered labouring jobs with the oil companies an unsatisfactory alternative because they would be less remunerative than trapping, certainly less enjoyable, and very possible short lived. If wildlife was destroyed and oil were not found, they would be left with nothing. If oil were found, they feared they would derive no benefit from it in terms of either land rights or production royalties.

The Bankslanders were pessimistic about the prospects for themselves and their community. They foresaw Sachs becoming another welfare town, robbed of its independence and overrun by outsiders. Although they were less able to articulate it, the Bankslanders feared the destruction of their community and their values as well as of wildlife. They recognized that not only their economy but their very way of life, which was also rooted in the land, was threatened.

In my view the Bankslanders' fears were largely justified. There were no regulations in force at that time governing the environmental impact of exploration activity. Evidence regarding the effectiveness of the regulations now in force will be led later in this Inquiry. Some actual impacts of such activity on wildlife have been outlined in another panel. In 1970, scientific knowledge of these impacts in tundra environments was almost entirely nonexistent. There was no scientific basis for predicting the effects of seismic activity on the chief economic species of Banks Island.

It is important to recall that the Bankslanders did not insist that damage would definitely occur; they merely suggested that it was possible and indeed probable in their opinion, that the effects outlined earlier might take place. It may be that these fears were exaggerated, but in the view of competent wildlife biologists they were not unfounded. Yet several officials from both the Department of Indian Affairs and the oil companies have told the Bankslanders that these things would not happen, or that the planned regulations and modifications would be sufficient to prevent their occurrence. The only way such claims could be validated or disproved was through a long-term research programme, probably extending at

least four of five years in the case of foxes in order to trace developments over a complete population cycle. Such a study would require a complete analysis of the distribution and dynamics of the fox population on the island, as well as of territorial, migratory, denning and reproductive behaviour, prior to the commencement of unnatural disruptions. It would also require an investigation of the problem of stress: whether noise, fumes and high levels of human activity are indeed stressful for foxes and if so, what their response is to such stress and whether it varies with sex, age or season. No such comprehensive studies had been carried out on Banks Island or anywhere else in the Arctic, nor had even a detailed methodology for such studies been elaborated.

As for the Bankslanders' fears regarding their community and way of life, I will not comment here since evidence in this regard will no doubt be led in both the community hearings and in phase four. Suffice it to say that it is by now evident that similar fears are still being expressed, perhaps with even greater intensity, by many people in virtually every native community in the Mackenzie Valley.

The Bankslanders did not call for a total and permanent ban on exploration. They requested that exploration and drilling first be conducted on islands uninhabited by people, and the necessary scientific research be done to show one way or another the effects of such activity. They were not entirely against oil exploration at that time, for they said that if they could be shown that damage or generally adverse effects were nonexistent or minimal, they would have much less objection to exploration activity on Banks Island.

The compromise programme consisted of four principal elements: the protection of terrain and wildlife, inspection of seismic work, compensation and research. The agreements between the government and the oil companies are set out in a document entitled Schedule of Operating Conditions, Oil and Gas Exploration, Banks Island, N.W.T. The government's undertakings to the Bankslanders are contained in correspondence to the Community Association, or were given as verbal assurances.

Only the elimination of exploration activity could have met the concerns of the Bankslanders for the protection of terrain and wildlife.

Given that the likely consequences of exploration were unknown, it follows that there could not have been any sound basis for regulating it. There was some discussion of avoiding "critical" areas on the island. However, neither the size nor the configuration of these critical areas (or indeed even the criteria for establishing same) were known at that time.

Inspection was to be done by both departmental inspectors and the trappers themselves. Regarding the protection of wildlife, this again could have done little to meet the objections of the Bankslanders, because the inspectors were not in a position to know which aspects of the operation were potentially harmful. For the same reason, the presence of the trappers in an inspecting role was of little value. Other than advising on the location of traplines, there were few modifications of the operation they could recommend, since in their view the very presence of the exploration crews was a potential threat to wildlife.

The Minister repeatedly guaranteed that he would call an immediate halt to exploration if there were any evidence of detrimental effects to wildlife. These assurances were of rather limited value since they were based on the assumption that adverse effects on wildlife would be marked by a sudden and dramatic event. It was more likely that if environmental degradation occurred, it would be slow, cumulative process becoming evident only after a long period of time. If adverse effects on Banks Island animal populations occurred, either as a result of direct stress or habitat deterioration, they would not likely have become evident for months, or more possibly years, by which time it would probably have been far too late for preventative measures.

Unmentioned was the problem of who would assess damage and on what basis, and the actual criteria for forcing alterations or a halt to an exploration programme. It seemed most unlikely that a long term or permanent halt would be called on the basis of imputed damage, the cause of which could not immediately or perhaps ever be surely known or attributed, however real that damage might later turn out to be.

For this reason, the provisions for compensation were also of very limited value. A damaged trap would be replaced but in the event of a reduction of harvest alleged to result from exploration activity it would be extraordinarily difficult to prove damages and their extent. Court action in such an instance would surely mean a long delay, an uncertain prospect of victory, and the possibility of only a token award.

The Department of Indian Affairs acknowledged the need

for research and undertook to conduct the necessary studies. This responsibility was delegated to the Canadian Wildlife Service, although funds for this project were not immediately forthcoming. Subsequently a research programme was devised by the Territorial Game Management Service, with the Wildlife Service acting in an advisory capacity.

Research was begun in the early winter and continued with limited funds and personnel for two years. Divided jurisdiction and interest between the Northern Economic Development Branch, the Canadian Wildlife Service (which during the controversy was transferred from the Department of Indian Affairs to the Department of Fisheries and Forestry), and the Territorial Game Management Service made difficult the clear and continuous administrative direction of this programme.

The research programme became more comprehensive than senior departmental officials originally appeared to have conceived. The Minister conveyed the impression to the Bankslanders, at his meeting with them, that the Wildlife Service was already working on the problem and would be able to present the necessary information to him before seismic work began. In fact no serious research was conducted until exploration was already in progress.

At the same meeting, the Minister stated that although he did not know the consequences of exploration on wildlife at that time, he would be in a position to make a decision before the programme commenced. Yet no new information became available to him between 16 August and 3 October, when the seismic crews were permitted to go ahead. Although he

stated that experiments could be conducted before the programme began, none were, and in any case no one appears to have known what the nature of these experiments would have been. It was stated that the decision to allow the oil companies to go ahead would depend on "tests." These tests in fact consisted of determining the depth of frost in the ground, and nothing else.

In fact, the land use inspector had neither accurate knowledge of the relationship between depth of frost and soil bearing strength, nor a clear understanding of the soil refreezing process under permafrost conditions. He was not provided with such information by the Department of Indian Affairs at any time, and appears to have been expected to base his judgements on trial and error. Yet such scientific knowledge existed at the time, and especially in view of the fact that the department was then sponsoring its own research programme on such matters (ALUR) it was unfortunate that the land use inspector was not given the benefit of this knowledge.

The Bankslanders were well aware of these inadequacies in the regulations and in the assurances given them by the Department of Indian Affairs, and they felt strongly that their interests had not been well-served in the dispute. Several individual oil company personnel expressed both sympathy with the Bankslanders' position and willingness to make some compromises. They apparently hoped that a compromise was indeed possible. There is no evidence, however, that the companies involved would have voluntarily abandoned their exploration programmes altogether, or forgone the rights to the island they had obtained in good faith from the government.

The problem was that the conflict was not amenable to compromise, but in terms of the perceptions of the parties involved, if not in reality, called for the complete sacrifice of one set of interests in favour of another. The resolution of this conflict resulted in favour of the petroleum companies. Any inconvenience and expense caused them by adhering to the land use regulations and contributing to the cost of inspection was miniscule in comparison to the total cost of the exploration programme and the potential benefits accruing to the petroleum industry as a result of it. The Bankslanders, on the other hand, faced the possibility of the total collapse of their way of life without any adequate alternative to replace it.

The announcement that petroleum exploration had begun on 3 October was accompanied by a departmental press release noting the satisfaction of all parties concerned, and conveying the impression that the controversy had ended amicably. Ten days later the Minister responded to the summer's adverse publicity by writing the Globe and Mail a long letter of rebuttal to its original feature story and editorial. This letter indicated a lack of appreciation of the true state of affairs on Banks Island. A few examples are particularly interesting as they shed light on the department's attitude to the problem. For instance:

The Eskimos feared change would threatened their self-sufficient way of life. This was a natural reaction for them. When some of the Sachs Harbour trappers first used the motorized toboggan, others feared it would ruin trapping. Now they will use them and last year was one of their best years. Fear is natural. To exploit it is demeaning (Toronto Globe and Mail, 13 Oct. 1970).

The Minister expressed these sentiments during his visit to Sachs Harbour on 16 August, but the Bankslanders had advised him that they were unfounded.

The Minister also stated that

We have secured an agreement with the oil companies which both the Trappers Association and their solicitor believe meet the needs of the community. The Sachs Harbour Association was represented by its own counsel and when the agreement had been reached, he told a northern newspaper that the Eskimos had never opposed the exploration as such, but feared for their livelihood. He expressed himself as satisfied that their interest was being protected (Toronto Globe and Mail, 13 Oct. 1970).

These assertions were reiterated in the House of Commons on 6 November.

In view of the preceding account of the circumstances under which the agreements were concluded, little additional comment is necessary. It should be noted, however, that the consent of the Bankslanders' legal counsel was misconstrued. He was unable to make personal or telephone contact with the Bankslanders after the agreements of 3 September, and written correspondence was fraught with the difficulties of mail delays and the Bankslanders' problems with writing long and detailed letters. His agreement was based on their apparent assent to the regulations and his own admitted inability to judge the adequacy of these regulations on a scientific basis. A more correct reading of the situation was that the assent of both the Bankslanders and of their legal counsel was tentative, and

that renewed action might be taken at any time if they felt the circumstances warranted it.

Finally, in the House of Commons on 6 November, the Minister assured the members that there had been no request from the trappers to stop the exploration programme since its commencement, which proved, he said, that the agreements between the three parties were adequate. The absence of complaint should not have been surprising, since the trapping season had not yet begun. Moreover, I have already suggested why such a conclusion was extremely premature.

The above description of events is derived from several sources. I made two visits to Inuvik and Sachs Harbour of about two weeks each in September 1970 and May 1971, as well as a brief visit to Inuvik in August 1971. Long prior association with the Bankslanders, as well as with many people in Inuvik, allowed me to obtain much information during these visits. I had many long talks with the Bankslanders themselves, attended some meetings at Sachs Harbour and listened to tape recordings of others. I also talked with administrative personnel in Sachs Harbour, Inuvik and Ottawa who were familiar with the situation, with wildlife and land use inspection personnel in Inuvik, and with executives of the Committee for Original Peoples Entitlement in Inuvik. To a limited degree I have also relied on newspaper accounts and other publicly available material. Descriptions of events in this account are therefore based on a variety of sources, thus enabling a cross-check for accuracy. Positions on issues are presented as they have been stated publicly or to me personally by the principals involved, and are not imputed.

Particularly important was my visit in the fall of 1970, (at which time I was an employee of the Department of Indian Affairs), on the basis of which I wrote three lengthy memoranda containing most of the above information to my immediate superior, A.J. Kerr, in October and November 1970. I have it on his word that each of these memoranda were forwarded to his superior, W.D. Mills. The chain of command at that time went from him to A.B. Yates (Director, Northern Economic Development Branch), A.D. Hunt (ADM, Northern Programme), J. MacDonald (Deputy Minister), and J. Chretien (Minister). I have no way of knowing how far up this chain towards the Minister my memoranda went. I know that I was the only person in the department in a position to supply this information, and I also know that none of these three memoranda were either acknowledged or answered, at least to me. I did send a copy of one to J.S. Tener, Director, Canadian Wildlife Service, to which I did get a brief answer acknowledging the validity of the concerns expressed therein. It seems clear in any event that the Minister's statements to the Bankslanders, Parliament and the public did not conform to the information which was available to him from his department throughout the controversy.

Although there was considerable adverse public reaction to the events on Banks Island in the fall of 1970, there is no evidence that either this fact, or the objections of the Bankslanders or of COPE had any significant impact on the manner in which government and industry operated on Banks Island. For example, early in 1971, two geophysical contractors notified the department of their intention to conduct gravity surveys on Banks Island the following summer, one survey to involve the use of ground vehicles, the other helicopters. Modifications, at least partly in accord with the September agreements, were recommended to

the companies. Yet news of these plans did not reach the Bankslanders until late May, and then only through independent channels, despite the fact that one survey party was already on the island. The department had, in correspondence with the companies, noted the need for local consultation, but it was not until a telegram from the Bankslanders was received by the Minister that such consultation was hastily arranged. The problem was subsequently resolved to the satisfaction of the Bankslanders, although they perhaps rightly began to sense that with each new exploratory venture they would be asked to acquiesce to new terms far beyond those originally agreed to in September 1970.

This is by no means the end of the story on Banks Island. In January 1972 the Department of Indian Affairs published the final report in my series on Banks Island. This report, containing among other things the above description of events, attracted considerable publicity and adverse reaction to the department's actions regarding the Banks Island controversy. During the following weeks, the Minister and other senior officials made a number of public and internal statements criticizing my account of the events described above. It is a fact that at no time were any such criticisms directed to me personally, either orally or in writing, with one unofficial and unauthorized exception, by any of these or other departmental personnel. It is also a fact that in none of these public statements, or (to my knowledge) in any letters sent by the department in response to inquiries from the public, were any of the facts I outlined or even my interpretation of them, refuted or contradicted, save for one minor incident involving the sequence of actions by the Bankslanders' legal counsel. I believe the publicity surrounding the exploration of controversy on Banks Island over a period of two or three

years had made the island a "politically sensitive" area in the thinking of senior government and industry officials.

Since that time I have in my capacity as advisor to COPE, made several brief visits to Sachs Harbour, often in connection with land use meetings, and have followed land use events there in a general way. Other COPE personnel have kept meticulous documentation of most land use meetings of significance at Sachs Harbour. The following is a summary of major events based on that experience and documentation.

From the original confrontation, the Bankslanders felt they had gained at least some firm agreements regarding exploration activity on the island. The most important was, there would be no land-based summer activity of any kind, that is from 30 April until the ground was solidly frozen in the fall, generally some time in October. Others were that they would be informed of each operation in advance and have the opportunity to comment on it and recommend alterations if necessary; that there would be adequate environmental research and evaluation, the results of which would be communicated to them; and that there would be adequate inspection and enforcement procedures governing all operations.

I think it is inarguable that industry's environmental record on Banks Island has shown a considerable improvement over earlier activity elsewhere. I would attribute this to the "political sensitivity" of Banks Island mentioned earlier, the existence of the Territorial Land Use Regulations (though not necessarily their administration and enforcement), the vigilance and determination of the people of Sachs Harbour, and the expressed commitment by at least some company

officials at the operations level to maintain good relations with the community. It is also evident, however, that industry, having gained a foothold on the Island, frequently seeks to alter the arrangement by which they are there in their own favour in order to save time and cut costs. This has resulted in frequent requests for such changes coming before the Sachs Harbour Council and/or Trappers Association. In addition, the inadequacy or unenforceability of some of the original provisions has also become evident in the last few years. I will document these assertions with the following examples.

In the spring of 1972, Elf Oil desired to move several of its rolligons from Banks Island to the mainland in order to use them there over the summer, and then return them to Banks Island for the next winter's operations. Under the agreements, winter operations on Banks Island were to cease by mid April and by 30 April, Elf was to have removed all its equipment to their base camp at Johnson Point on the northeast coast of Banks Island. Elf now proposed to take their rolligons from the termination point of their seismic programme in the northeast overland to Sachs Harbour in May, from where they would subsequently be barged to the mainland. A meeting was held at Sachs Harbour on 22 April 1972 to discuss the proposal. Mr. David Gee, Regional Manager, Water, Forests and Lands, from Yellowknife (the senior DIAND representative at the meeting) stated that he wanted the Bankslanders to choose the best way of taking these Rolligons overland. The trappers opposed the idea, in view of animals movements and activities on the island in late April and early May, they did not want such

overland activity. Mr. Gee is quoted in the minutes as assuring the trappers that "we will only be using rolligons", although Mr. Gee and his agency were by law in the position of regulating rather than conducting the proposed move. One trapper stated "if we say for you to go ahead on this movement of rolligons you will keep wanting more and more." The trappers finally recommended the vehicles be moved to De Salis Bay instead, which would involve less time and distance. This suggestion was later adopted by Elf.

Promises made about clean up requirements prior to permit renewals proved difficult to keep. According to DINAD officials at a meeting at Sachs Harbour on 27 October 1972, the summer season is so brief that there is only time to make an inspection, but not to submit a report and recommendations prior to new permits being issued. Clean up therefore cannot really occur until the second summer after the mess was made. Failure to clean up may affect the granting of a permit in the third year, although there is no time limit on the \$100,000 performance bond each company puts up.

In the event that a major clean up is required, more problems arise. No overland vehicles may be used in summer, and in the case of bird sanctuaries (much of the most productive habitat and the most heavily used areas on Banks Island are contained within a bird sanctuary), helicopters are not allowed to fly in them until after August 15th, when the birds have left. It was acknowledged that this left only the brief period between this and the first snow to do an effective clean up job.

On April 9, 1973, Water, Forests and Lands officials, along with oil company representatives, arrived in Sachs

Harbour to meet with the Trappers Association about their proposed exploration programmes. The government officials and oil company representatives had met between themselves in Inuvik to discuss the applications, prior to leaving for Sachs Harbour. This was a closed meeting; no representatives of either the Trappers Association or COPE were invited, nor were they invited to meet with either government or industry separately. The Sachs Harbour trappers may or may not have guessed this, they were not told this had happened until I arrived just prior to the meeting that evening. (I was acting as the COPE representative on behalf of the trappers at the meeting).

One of the applications concerned a new mode of summer clean up, potentially beneficial, but also possibly setting precedent in allowing summer work, which the Trappers Association had consistently opposed. Following some discussion, the trappers asked for a temporary adjournment in order to discuss the proposal in private. During this closed meeting, the trappers agreed to allow this proposed cleanup under certain conditions. The president of the Trappers Association wanted these conditions written out so he could read them accurately to the meeting when it reconvened. The conditions were agreed to by all parties, and immediately after, DIAND officials requested the written copy of the conditions.

The following day, in Inuvik, I asked the Water, Forests and Lands superintendent whether these conditions would be accepted by the Engineer in Yellowknife when the permit was finally granted. I was told that they almost certainly would be, and indeed community recommendations almost always were when there is something in writing. This had never been made clear to the people of Sachs Harbour (nor any other community so far as I know). In

my view it puts the local people at a disadvantage, since many cannot read or write at all, or by virtue of their oral culture, would not think to do so at a meeting. To native people, verbal agreements are no less binding than written ones are to outsiders. In the Sachs Harbour case, had there been no representation on behalf of the trappers, these conditions might not have been written down, and presumably would have had much less chance of being fully or accurately incorporated into the final permit. It should be added that until early 1975, the final permits with their specific terms and conditions, were not forwarded to the communities, hence there was no way of being sure that the recommendations they made were actually incorporated into the final version.

A final point regarding the land use regulations, which I did not want to explore in detail as they will be the subject of a later panel. The communities in general, and Sachs Harbour in particular, were never provided with complete information regarding land use applications. Neither the minutes of the Land Use Advisory Committee meetings (which review the applications prior to forwarding them to the communities), nor the specific dissenting objections or recommendations by Wildlife Service, Fisheries or Game Management representatives on the committee, were forwarded with the applications. The trappers were thus never made aware of the reservations that any government experts might have had. Nor were these experts ever made available to them at meetings where these matters were considered. Only DIAND representatives went.

I should add, at this point, that although the interim reports from the research undertaken by the Game Management Service were gradually made available,

the final reports were slow in coming, partly, it is understood, because Mr. Urquhart, who had been assigned to this research, was not given adequate support to write up his results. His final report was finally made available in late 1973, although when I asked for a copy in Yellowknife, the Game Management official who gave it to me wrote in his own hand across the cover page "Not to be quoted directly in public".

The final report by the Canadian Wildlife Service, written by N. Simmons and T.W. Barry, went through several drafts, each with diminution of the tone of the conclusions and recommendations. The first draft was completed in late 1972. Thereafter, the report was kept confidential by DIAND (to whom it was submitted) until April 1975. This was in spite of the fact that it had been commissioned by virtue of an undertaking to the Bankslanders in the fall of 1970, and the Bankslanders had made repeated requests to see this report. The report, entitled Oil and the Bankslanders, confirmed many of the Bankslanders original concerns and was also highly critical of DIAND in its handling of the original controversy.

In January 1974, Panarctic requested permission to conduct seismic, exploration, drilling, overland transport and related activities on a year round basis. I quote excerpts from the letter (signed by Mr. R.G.S. Currie) to the Sachs Harbour settlement council dated 7 January 1974. The letter sought to set out an agreement in principle between Panarctic and the settlement council regarding Panarctic's present and future activities on Banks Island.

"Panarctic has scheduled exploration activities to be conducted on a year round basis on Banks Island. The exploration activities will include

drilling wells, conducting seismic surveys and other related activities.."

"Panarctic in performing its exploration activities will use its best efforts not to disturb the natural habitat or the wildlife on Banks Island. Further, Panarctic will use its best efforts not to disturb the normal life of the Eskimos who live on Banks Island.

The letter then describes Panarctic's proposed activities in more detail, and then specifies a number of conditions to which it will adhere, including

1. to keep the Sachs Harbour Settlement Council and the Sachs Harbour Trappers Association Incorporated fully informed as to all of its planned exploration activities, by holding meetings with the Council prior to the commencement of all its exploration activities;
2. to obtain, prior to the commencement of all exploration activities, all required licences and permits from Federal Government of Canada Departments and Agencies;
3. that it will use its best efforts to ensure that the people living in Sachs Harbour will be employed by Panarctic or its subcontractors to work on the exploration activities carried out on Banks Island, especially during periods when employment will not disturb the normal life of the Eskimos who live in Sachs Harbour;

and five other points, all of which amounted to guaranteeing that they would act according to Canadian law or maintain the standards of consultation and cooperation with the trappers that had already been established.

In return, the Sachs Harbour council was asked to agree

that if Panarctic conducts its exploration activities on Banks Island, Northwest Territories in the manner outlined above, the interest of the Council in protecting the habitat, wildlife and the Eskimos way of life on Banks Island will be satisfactorily protected.

Four meetings were held between the settlement council, Panarctic and DIAND to discuss the proposal. Panarctic sent its consultant, Mr. Duncan Pryde, to visit the people of Sachs Harbour twice, on one occasion for about a week, in advance of the final meeting, in order to encourage them to sign the letter of agreement. After listening to all the arguments at this meeting on 5 March 1974, the following resolution was passed at a regular settlement council meeting the following day:

The people of Banks Island, as represented by the Sachs Harbour Settlement Council, feel that all oil activities should remain restricted to the present October 1 to April 30 deadlines.

The council subsequently issued a press release on the reasons for its decision.

I now quote from a memorandum to the Sachs Harbour Settlement Council dated 7 June 1974, from Dr. Pimlott,

who was a resource worker for COPE at that time:

However, Panarctic did not give up the idea of summer operation. Instead it immediately began to figure out ways that it could get approval for work during the summer of 1975 and 1976.

The first thing Panarctic did was to get a consulting company (Beak Consultants Ltd. of Calgary) to plan a research program which could be conducted this summer. The idea was to get information which would show that summer operations would not harm either the animals or the plants. If a report "proved" this then Panarctic would come back to Sachs again this fall and again ask for approval. If Sachs did not give approval, then Panarctic would apply directly to DIAND for approval.

The first report by Beaks was completed on March 15 and a proposal for a research program was sent to Mr. Bill Armstrong on March 25. Panarctic suggested that research would be conducted from April 1974 to October 1975. A preliminary report would be submitted this fall as part of the request for approval to drill during both the winter and the summer of 1975. Panarctic told Mr. Armstrong that it was sure that the drilling and other work can be done so that it does not hurt either the animals or the land.

At this time it was pointed out to Beak Consultants that they had not made any reference to Doug Urquhart's work in their report. Beak then quickly wrote another report and submitted another proposal for research which took Doug Urquhart's work into consideration.

I am not certain of what happened then; however, I believe that some of the Government biologists did not like the ideas for research because studies were only going to be made of birds and foxes. They felt that studies should be done on caribou and muskoxen as well. They also felt that the plan for the research was not very good. I also learned that there is to be a meeting on June 13, between the Wildlife Service, DIAND and Panarctic to try to reach a final agreement about the research program.

I heard that there has been some disagreement between DIAND and the Territorial Government about whether Sachs should be told about the ideas for a research program. Apparently the Territorial Government wants Sachs to be informed but DIAND does not.

To sum up, I think that it is really too late to start a research program this year. The foxes will have had their first litters, the geese will have hatched their eggs and the caribou and muskoxen will have had their calves long before any biologists could be on Banks to begin studies.

Studies made over a full spring-summer season are too short to produce good results. One that missed the important time when the young are being born would be almost worthless.

Since I was in Sachs for the last meeting with Panarctic, I have asked a lot of government people questions about Panarctic. I learned that it has a reputation for careless land use and for inadequate research on the effect of its operations on the animals and the land. It was not a very comforting thing to hear.

All of the people I talked to agreed that if Panarctic eventually gets approval for summer operations, all the companies will have to be given the same privilege.

By the fall, Panarctic had worked out a tentative arrangement with DIAND to conduct a four year environmental research programme, which would involve summer drilling in the third year. A meeting was held to discuss this proposal at Sachs Harbour on 25 September 1974. Several Panarctic officials and their consultants, and several DIAND officials from Yellowknife and Ottawa attended the meeting and put forward the proposal. The Council declined to make a decision at the time, and invited these officials to come back about two weeks later. At the subsequent meeting, held in early October 1975, the council again refused the request, and issued the following statement:

I'm sure you remember last year when we said no, to your proposal for a summer drilling program. Now you come again to ask us. We understand it's for research purposes. We understand that the study is to discover the normal behavioral patterns of the island. We know and you know that you haven't enough information now, nor will by this summer.

We know and you know that land use and the Game Department won't accept it as enough.

We haven't yet received your past reports of the study.

We haven't been consulted or involved in the study and would like more participation. Do your experts know so much that they can't consult us? We would like to cooperate but we will not agree to a summer drilling operation until we are satisfied that the appropriate departments are satisfied. Until that time we say 'no' to any summer program.

We also do not want to be bothered about this for at least 2 years as we feel convinced that it will take that long to complete a worthwhile study.

We are taking into consideration the problems you will have as you did this summer with weather and the logistics.

PETER J. USHER

Curriculum Vitae - January 1976

Born: Montreal, Quebec - 18 December 1941

Citizenship: Canadian

Occupation: Consultant

Address: 1) Box 2000 Phone: 403-979-3510 (Office)
Inuvik, N.W.T. 403-979-3910 (Home)
XOE 0T0

2) Box 1980 403-873-4305
Yellowknife, N.W.T.

3) Farrelton, Quebec 819-422-3870
J0X 1T0

Education: B.A. McGill University, 1962
Geography and Political Science
Thesis: Economic Geography of the Sydney, N.S.,
Coal and Steel Industry.

M.A. McGill University, 1965
Geography
Thesis: Economic Basis and Resource Use of
the Coppermine-Holman Region, N.W.T.
(see publication No. 1).

Ph.D. University of British Columbia, 1970
Geography
Thesis: The Bankslanders: Economy and Ecology
of a Frontier Trapping Community.

Course work outside the geography programme
included wildlife management and anthropology.

Awards: Quebec Department of Youth Scholarship
1964-65, 1965-66, 1966-67

Arctic and Alpine Research Committee (U.B.C.)
Research Grant, 1966-67.

Canada Council Research Fellowship, 1974-75.

Work History
and Related
Experience:

September 1974 - Present
Socio-Economic Consultant, (Pipeline Inquiry)
Committee for Original Peoples Entitlement.

November 1974 - January 1975
Consultant, (Renewable Resources Project)
Inuit Tapirisat of Canada

February 1973 - August 1974
Consultant (Inuit Land Use and Occupancy Project)
Inuit Tapirisat of Canada

September 1972 - February 1973
Consultant, Committee for Original Peoples Entitlement
Canadian Arctic Resources Committee

October 1967 - January 1973
Research Officer, Northern Science Research Group
Department of Indian and Northern Affairs

September 1970 - June 1971
Sessional lecturer in geography
Carleton University
(Fourth year course in the geography of Canada).

June 1966 - July 1967
Field research for doctoral thesis,
Banks Island, N.W.T.

September 1965 - April 1966
Lab. assistant,
Air photo interpretation, U.B.C.

May 1965 - December 1965
In Charge, Banks Island Area Economic Survey
Department of Northern Affairs and National Resources.

September 1964 - April 1965
U.B.C.
Teaching Assistant
Introductory Human Geography Course

July 1964 to September 1964
Settlement survey
Great Slave Lake
Department of Northern Affairs and National Resources
(unpublished reports submitted to the department)

September 1963 - April 1964
Lab. Assistant
Airphoto and Map Interpretation Course
McGill University

May 1963 - October 1963

Field Assistant

Coppermine-Holman Area

Economic Survey

Department of Northern Affairs and
National Resources.

June 1962 - October 1962

Field Assistant

Tuktoyaktuk - Cape Parry Area

Economic Survey

Department of Northern Affairs and National Resources.

May 1961 - September 1961

Rod man, survey crew, hydro dam

Construction on Mattagami River

James Bay Region, Ontario

(Perini Construction Ltd.).

Publications:

1. Economic Basis and Resource Use of the Coppermine-Holman Region, N.W.T. NCRC-65-2, Northern Coordination and Research Centre, Department of Northern Affairs and National Resources, Ottawa, 1965. xxi & 290pp.
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20. "Commentary on Paper no. 6", Canadian Public Land Use in Perspective, (ed. J.G. Nelson et. al.), Social Science Research Council of Canada, Ottawa, 1974, pp. 177-186.
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29. No. 109, Canadian Dimension.
30. "The Growth and Decay of the Trading and Trapping Frontiers in the Western Canadian Arctic", The Canadian Geographer. 19(4), 1975: 308-320.
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102. Growth and Decline of the Trapping and Trading Frontiers in the Western Canadian Arctic, presented to the Canadian Association of Geographers, Annual Meeting, Memorial University, St. John's, Newfoundland, 21 August 1969. (Revised and published as no. 31).
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105. The Significance of the Land to Native Northerners, presented to the 1973 National Convention of the Canadian Society of Exploration Geophysicists, Calgary, Alberta, 6 April 1973. (Published as no. 23).
106. Commentary on "Land Use in Canada's North", by W.A. Fuller, presented to the Social Science Research Council of Canada Symposium on Canadian Public Land Use in Perspective, Ottawa, Ontario 25 October 1973. (Published as no. 20).
107. Environmental Impact Studies: Social Aspects, presented to the National Conference on Environmental Impact Assessment, Winnipeg, Manitoba, 15 November 1973. (edited and published as no. 21).
108. Geographers and Northern Development: Some Social and Political Considerations, presented to the Canadian Association of Geographers, Annual Meeting, University of Toronto, Toronto, Ontario 27 May 1974. (edited and published as no. 24).
109. Recent Extensions of Metropolitan Control to Northwestern Canada, presented to the Canadian Sociology and Anthropology Association, Annual Meeting, University of Toronto, Toronto, Ontario, 24 August 1974.
110. The Class System, Metropolitan Dominance and Northern Development, presented to the Canadian

110. Association of Geographers, Annual Meeting, Vancouver, B.C., 29 May 1975.
111. Evaluating Change: The Case of the Mackenzie Valley Gas Pipeline, presented to the Symposium on Evaluating Change, sponsored by the Social Science Research Council of Canada's Committee on the Human Environment, University of Alberta, Edmonton, Alberta, 4 June 1975.
112. New Directions in Northern Policy Making: Reality or Myth? presented to the Canadian Arctic Resources Committee conference on "The Mackenzie Delta: Priorities and Alternatives." Ottawa, Ontario 3 December 1975. (Co-authored with Gaile Noble).

Publications and Papers in Progress:

Article on impact studies and public policy,
article on evaluation of native food resources.

Book on northern development.

Unpublished Reports Submitted:

201. Economic resources surveys of Yellowknife, Fort Smith, Reliance, Snowdrift, Rae, Lac la Martre. To Industrial Division, Dept. Northern Affairs and National Resources, Ottawa, October 1964. app. 22 pp. each.
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208. Inuit Land Use information, Mackenzie Delta and Western Arctic, for Land Use Information Map Series, to Lands Directorate, Department of the Environment, Vancouver, October 1975, nine map sheets plus text.

Current Research Interests:

General fields: resource development (with emphasis on renewable resources), problems of socio-economic change in non-industrial areas, the relations between metropolis and hinterland areas, cultural ecology, historical geography; in all cases with emphasis on the circumpolar world.

Currently active research projects include:
Canadian Eskimo Land Use and Occupancy
Land use management conflicts in the north
Problems of Northern development

Other research interests include:
Development potential of the native economy in the N.W.T.
Economic history and demography of the Western Arctic.
Influence of the fur trade on population distribution and movement in Northern Canada
Impact of the snowmobile on trapping and hunting in the Arctic.

Conferences participated in:

Intermediate technology and intermediate adaptation, Memorial University, St. John's, March 1968 (workshop).

Shell Program on the Canadian North, Scarborough College, Toronto, January 1971 (panelist, symposium on ecology).

Society for Applied Anthropology, Montreal, April 1972 (panelist, symposium on ecological crisis on Indian and Eskimo lands).

Canadian Sociology and Anthropology Association, McGill University, Montreal, May 1972 (discussant, symposium on cultural ecology).

The Real Energy Conference, University of Manitoba, Winnipeg, March 1974 (panelist, sessions on "Major Canadian Energy Developments" and "Alternatives").

National Social Science Conference on Social Science and Public Policy in Canada, Ottawa. November 1975. (Commentator for session on Resource Development and Conservation).

"Multinational Companies and Canadian Oil" sponsored by the Public Petroleum Association of Canada, Toronto November 1975 (Panelist, session on "The North".)

Membership in Professional Associations:

Canadian Association of Geographers
Association of American Geographers

Other Professional Responsibilities:

Assistant Editor, Arctic Circular (Journal of the Arctic Circle Club, Ottawa), 1968-70.
Executive Committee of the Economists, Sociologists and Statisticians Bargaining Group, Professional Institute of the Public Service: Secretary, 1970;
Member at Large, 1972. -

Board of Advisors, Energy Probe, University of Toronto, Toronto, Ontario, 1974 - present.

References:

Dr. J.K. Stager
Assistant Dean of Graduate Studies
University of British Columbia
VANCOUVER, B.C.

Mr. A.J. Kerr
Chief, Northern Science Research Group
Department of Indian Affairs and Northern Development,
OTTAWA, Ontario K1A 0H4

Mr. Sam Raddi
President,
Committee for Original Peoples Entitlement
Box 2000
INUUVIK, N.W.T. XOE 0T0

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PETER J. USHER

EVIDENCE PRESENTED
ON BEHALF OF
COPE

BERGER INQUIRY - DELTA PHASE
Inuvik, February 1976

PRODUCERS PROPOSAL AND MAD-GAG

Peter J. Usher

I do not know the timing and the various stages of planning leading up to a formal proposal for production facilities in the Mackenzie Delta. It seems reasonable to suppose that specific designs were undertaken only after the delineation of the producing fields, and to coincide in reasonable time with the application for a pipeline. It does appear, however, that there was a considerable gap in time between the advanced planning of those facilities and the communication of the nature of these plans to the public.

I was told by DOE officials in September 1974 that they were aware of the nature of the proposal, as it had been communicated to them for review. One may assume that the Department of IA&ND was made aware of these plans at least as early as DOE. In fact, DIA&ND had begun some assessment of the proposal, if not actual co-operation with industry, in the spring or summer of 1974, since they had commissioned preliminary consulting reports on engineering, environmental and social considerations regarding the gas processing facilities. These reports were received in the fall of 1974, but were kept confidential.

It is definitely the case that in September of 1974, when COPE began assembling its community information programme under funding from this Inquiry to assist local people in assessing the pipeline and related facilities, that nothing was known officially in the Delta about these plans. No one knew for sure what the gathering and feeder lines would look like, whether they would run above or below ground, how they would be spaced, what the gas plants would look like, and so on. This

remained the case for several months.

Gulf, Shell and Imperial submitted a proposal for constructing gas gathering and processing facilities to the Minister of Indian Affairs on 6 November 1974, along with environmental and socio-economic impact assessments of these, and requested approval in principle. These documents remained confidential in the hands of the Department for over two months, despite the fact that COPE had requested such information for distribution to the communities during those two months. We were told privately by a DIAND official that the industry had proposed to go to the communities with this information directly, but that the department had asked them to wait until after Christmas when it would participate jointly with industry in an information tour. The government's role at that time would be to explain the manner in which the producers' proposal would be received and assessed.

On January 10, 1975, the Minister announced both the receipt of the gas producers' proposal and the government's response. I quote the following excerpts from the press release:

"Residents of Mackenzie Delta communities are being asked to help evaluate the first industrial development in the Delta as a result of Arctic gas discoveries...Later this month, communities near the project area will be provided with all material submitted to date by industry..."
"A joint Federal/Territorial study group will now begin to identify additional information required and start to discuss in general terms with the communities what the project will mean to the Delta. At present it appears the major planning and program development will be in terms of infrastructure requirements, regional planning, town planning, training and identification of entrepreneurial opportunities for northerners."

"I will be seeking the advice of the Department of Environment with respect to the information required for our environmental assessment of the project...DOE scientists will also be directly involved in the assessment and my officials will participate in the formal review procedures of the Environmental Review Panel. This panel will provide advice on the final environmental terms and conditions which I will impose if this project is approved."

"The application and supporting information will also be made available to the Berger Inquiry for their purposes. I expect that Justice Berger will want to look at the general effects of the gas plants and gathering system as part of regional social, economic and environmental impact of the proposed natural gas pipeline. It is not my intention however, to refer this application to the Inquiry for specific advice..."

"The development of the natural gas resources of the Mackenzie Delta, if done in a rational and careful manner, will provide an energy source and important economic opportunities to the people of the Delta. The challenge of this development is to proceed carefully so as to protect the physical environment and to enhance the social, cultural and economic environment as well."

One might infer from this press release that these developments were proposed entirely for the benefit of Delta residents, since it gives no indication that any of the gas is destined for southern markets. I call particular attention to the process the Minister outlined for assessment and consultation.

On 12 July 1974, Mr. Commissioner, you ruled that the producers' proposals would have to form an integral part of this Inquiry:

"I regard it as essential to this Inquiry that I should consider evidence regarding the gas fields in the Delta and the gathering lines to be built in the Delta...these lines are so obviously a part of the pipeline system that any consideration of the impact of the trunk line entails a consideration of the impact of the gathering lines..."

The Inquiry would:

"obtain evidence, pursuant to subpoena if necessary, to enable this Inquiry to consider the location and extent of the gas fields in the Delta, the likely extent of further gas exploration in the Delta, and the Beaufort Sea, the likely location, design and construction of the gathering lines, and the processing plants that will be needed to render the gas acceptable to the trunk pipeline, and the social, environmental and economic impact that the development of the gas fields and the construction of these lines will have in the Delta and elsewhere in the North."

Nevertheless, the Minister chose to set up a largely independent system of assessment. Now it could be argued that the proposed internal government assessment group was no different than the Pipeline Application Assessment Group the government had set up the year before in response to the Arctic Gas application. But that group was created for the express purpose of assisting the Inquiry and indeed it was transferred as a unit to the Inquiry after its initial assessment had been completed. The fate of the proposed gas plant assessment group was entirely different, as we shall see. Further, the Minister explicitly stated that while he would not withhold evidence from the Berger Inquiry, he did not intend to seek its advice on the matter. One might also note the distinctly secondary role the Department of the Environment had been invited to play in the environmental impact assessment of this project.

The immediate response of the native groups was one of concern that the government was circumventing the Inquiry. COPE specifically requested that the government abide by Justice Berger's rulings.

The following week, the industry-government team came to Inuvik to unveil the proposals for gas field development.

Representatives of COPE attended two meetings in Inuvik on January 16th, 1975: one exclusively with the industry-government team and the other a general presentation by that team to an open meeting of townspeople. Industry was represented by Arctic operations managers and assistants, the Department of Indian Affairs by the Director of the Northern Natural Resources and Environment Branch and assistants.

The industry group brought scale models of a gas plant and a well cluster, and gave a brief talk on the proposed system illustrated with coloured slides, some showing diagrams and charts, other showing gas field facilities in other parts of the world. It also distributed copies of a small brochure entitled "Mackenzie Delta Gas Development Systems", containing brief descriptions and diagrams of the production, gathering and processing stages as well as sections entitled "safeguarding the environment" and "providing new opportunities".

The industry's proposal called for two gas plants, fed by five well clusters through a total of eighteen miles of feeder lines. It was this specific proposal which was being communicated to Delta people and this specific proposal they were being invited to assess. We have recently heard before this inquiry that this proposal was not exactly complete. For example, since then, Shell has proposed to build a third gas plant, and will produce its gas at Wiglihtgak through a system of 9 or 10 individually drilled wells and connecting feeder lines. Mr. Csaja in his evidence of 27 January 1976 stated that Shell had no intention of hiding anything from the public in this regard. I am not doubting his word, but it is my clear recollection that in response to questions about the possibility of a typical Alberta field development scenario with many wells and feeder lines being replicated

here in the Delta, we were assured that this would not happen, largely due to the cluster well system. We were definitely not advised that in some instances (and I assume industry is still not prepared to predict in what proportions), this system would not be possible.

Now I think the evidence before this commission makes it clear that the full development of gas from the Mackenzie Delta basin will in future years almost certainly involve a considerably greater network of facilities than this. When asked what the future density and extent of clusters, feeder lines and gas plants might be, company officials offered some rough figures of the theoretical area which could be tapped by clusters and gas plants, but declined to offer any future scenario for development in the Delta. We recognize that it is not possible for industry to predict exactly where gas will be found and in what quantities, and COPE did not ask for such a specific scenario. But only a restricted component of development was put forward. Since then, industry has announced additions and modifications to their original proposal, but the larger question of what development will ultimately involve has never been revealed.

Thus both from a social and environmental point of view, what the government proposed to assess is only one small part of gas field development. If in future years additions are proposed to the network already in place, we suspect they will be assessed on an individual basis, as though nothing preceded that particular application and nothing followed. It is entirely possible, on the basis of present performance, that no allowance will be made for the probable cumulative and reinforcing effects of all these developments. By the time real hazards become evident, it will be too late to stop, let alone reverse these effects.

The government team outlined the proposed assessment procedure in further detail at these meetings as well as at another with COPE the following day. It maintained the department was not trying to circumvent the Berger Inquiry, but that since they expected only the most general recommendations from Justice Berger, they would be working on the specific recommendations. We have heard this distinction between general and specific recommendations made only by Indian Affairs officials, and by no other parties. A similar philosophy was expressed by the Minister of Indian Affairs in his reply to COPE dated 27 February 1975.

The government had formed, within Indian Affairs, a Mackenzie Delta Development Committee to review the engineering design and the environmental and socio-economic impacts of the proposal. Consideration of the socio-economic implications was assigned to the territorial government in Yellowknife, which formed a subgroup of the Development Committee which came to be known as the Mackenzie Delta Gas Assessment Group (MADGAG). The territorial government was, according to internal sources, told, not asked, to undertake this work, although it would be under the direction of the federal government.

A complete review of MADGAG's operations during the last ten months is not possible here. We would, however, like to call attention particularly to its terms of reference and to its plans to consultation with people in the communities, and its subsequent transformation into an instrument for regional planning.

The terms of reference, according to a draft dated 30 January 1975, call for a final report:

"containing an assessment of the proponent's proposal and recommendations, if any, as to additional research required or the method in which this development should proceed in order to maximize the beneficial effects and minimize the detrimental effects of the development." (Subsequent drafts are similarly worded).

MADGAG was to assess only the impact of the gas facilities and was not to refer to the pipeline or any other related developments. At the same time they were to develop mechanisms for informing the communities about the nature of the proposal and its effects and for obtaining the peoples' views in response.

COPE's reaction to these terms of reference was one of suspicion. In the first place, the plans for consultation with the communities seemed to be a duplication of what COPE had already been funded to do. COPE already had a community information programme and had tried to get solid information on gas field development for it. Justice Berger had ruled that evidence would be called on these matters in the formal hearings and that the people could express their concerns about them in the Community hearings. Yet the government was now planning to set up a separate information and consulting programme on the gas fields. COPE considered that aside from the wasteful duplication of funds and effort, this could only create more confusion in the communities about who was consulting whom about what and why. COPE expressed its willingness to distribute comprehensive, accurate and unbiased information about gas field development as part of its work in the communities, but not the usual industry or government information package. COPE also insisted that MADGAG should hold no meetings in the communities until this commission had conducted its community hearings in the Delta, and that MADGAG should accept the views expressed at these hearings as the peoples' response to the

producers' proposals.

Second, we considered the terms of reference far too limited. It did not make sense to consider the socio-economic impact of the gas plants separately from other developments (even one of the industry representatives admitted this at the Inuvik meetings). If the Minister's press release was any guide, assessment would be limited to the impact on jobs, public services and facilities, and business development, totally ignoring the larger questions of political and economic control, community and family integrity, cultural development, and so on (although during the early stages of MADGAG, some of its staff thought these larger questions ought to be considered). Yet in these larger respects, the gas field development would have no distinguishable impact from all the other developments, and there would be nothing for MADGAG to study which was not already known to social scientists and informed citizens in a general way, or which would not come out at the Berger Inquiry. Finally, there was the all important question of whether the assessment would affect the nature of the development itself in any significant way, or just the government programmes designed to deal with the problems created by development. The terms of reference strongly suggested the latter.

Several MADGAG employees at less senior levels shared these concerns, and questioned the legitimacy of both the assessment and the consultation they were asked to undertake. Subsequent correspondence demonstrated that COPL's suspicions of the MADGAG operation were indeed well founded. As one internal memorandum dated 27 February 1975 stated:

"The question is a simple fundamental: 'Is it the political policy of the Federal and Territorial Governments to implement economic development activities which have fundamental and irreversible social and political consequences before the people of the country affected have the necessary institutions of self-government such as are enjoyed by the people of the Southern provinces of Canada?' If the answer to this question is 'yes', then we cannot be sincerely carrying out our programme of self-government for local communities nor the Territorial Government its programme of self-government for the people of the Territorial community."

At higher levels there was apparently an atmosphere of resignation and obedience. In a responding memorandum dated 28 February, the Director of Local Government started with a prayer:

"God give me the Courage to change what should be changed, the Serenity to accept what cannot be changed, and the Wisdom to know the difference."

Some things are beyond our control; energy development will take place to meet national demands in its conditions, methods, and time. It may be adjusted to meet Territorial considerations but only if we fight for them. The present Working Group is as good a battle ground as any; if we do not fight for our beliefs then the Working Group report will fail to reflect a number of important community realities. No one can predict how important this report is going to be; but from the effort going into it it is evident that the Executive believe it to be important to our interest. This is the sort of decision that is theirs and we must accept their political judgement."

Several members of the research staff found the restricted terms of reference particularly difficult to work with. Mr. Yates, in evidence given on 12 February 1976, has stated that:

"It was recognized quite early in these reviews that it was insufficient to examine the socio-economic impact of the proposals in isolation from trunk line, exploration and other anticipated developments if a trunk line is approved. Accordingly, it was decided that the socio-economic assessment, which was assumed as a responsibility by the Government of the Northwest Territories, would be completed on a limited basis, and that further consideration of the gas plant proposals would be referred to the regional planning process."

I am not certain what he meant by early, but certainly as of mid April 1975 that was not the case. Mr. Joyce, Director of DIAND's Northern Natural Resources and Environment Branch, provided this rationale in response to MAGGAG's concerns about the restricted terms of reference:

"Our committee is responsible solely for considering the gas plant application. We recognize the other potential developments in the Delta which resulted in the Regional Development Committee. I realize it is difficult to separate these two very major projects but it is necessary, so that on the other hand we can report to the ACD our assessments of the impacts of the gas plants, and separately the impact of all other potential developments on the Delta. These two activities are very closely related. In fact the gas plant assessment is really one element in the regional planning process. I appreciate the problem that you have mentioned that it is difficult to separate one element from the total picture but it is essential that they do not get mixed up so that resource demands can be tied directly to the appropriate development. I appreciate each potential development will impact upon, say, Inuvik, and this of course will compound your problems but it would not be possible to seek all the resources necessary for the complete regional development plan at one time since the timing of each activity will be different."

Other limitations were also detailed by MAGGAG staff. An internal memorandum dated 17 April 1975 stated:

"The Colonial posture of the Federal-Territorial arrangement is a blatant fact of life and a continual problem for the Northwest Territories assessment group (among others). That is research questions must be particularly narrow and stated in such a way as to reflect the need for an ongoing adjustment of native people as individuals. Research set to examine the need of the ongoing adjustment of political and economic realities has been and will continue to be discouraged as unacceptable.

a). Social Development concerns, regarding the adverse socio/economic/cultural effects of the gas play, have been determined as unsuitable responsibilities for the Gas Companies, by Mr. Fred Joyce (Director, Northern Natural Resources and Environment Branch), in Ottawa.

b). The requirement to adjust our research focus to the effects of gas plants per se to the exclusion of the pipeline has also been determined by Mr. Fred Joyce, in Ottawa.

c). The requirement to stall off the completion of the assessment group study, until November, 1975, so that it is not accessible to the Berger Inquiry, has been similarly determined."

The unexpected length of the pipeline hearings has meant that MADGAC's final report will be completed prior to the end of this Inquiry. However, the reduced scope and its subsequent incorporation into a larger term regional plan may be another device to keep the full impact away from this Inquiry. And as a result of adverse reactions to the idea of yet another government-industry tour around the settlements, MADGAC's community consultation programme was drastically revised. MADGAC's preliminary assessment made it clear that the narrow view of its terms of reference had prevailed, and in fact its "Socio-economic Shortfall Statement" (dated 30 May 1975) refers almost entirely to the federal government's pipeline guidelines.

Since then, the federal and territorial governments have developed the notion of long term regional planning in the North. MADGAC's role was further reduced, in that

it was expected by DIAND to produce only an assessment of the producers' proposal without recommendations, and indeed MAD3AG ceased to exist at the end of October.

While it might at first seem that regional planning is a step forward in the consideration of development proposals, in fact we have little cause for optimism at this point. A territorial government memorandum dated June 1975 listed several basic assumptions for regional planning. One of these is that:

"...the timing for development of many non-renewable resource activities are largely controlled by national interest and the world economic situation. Where feasible timing should be adjusted to recognize the need for compatibility with local needs and capabilities, and to minimize social disruption."

This certainly suggests that once again regional planning as proposed by the government will involve only a response to developments imposed from outside rather than any questioning of the appropriateness of these developments in the first place.

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